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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,663	09/07/2000	Joseph E. Kaminkow	0112300/012	1991

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[REDACTED] EXAMINER

JONES, SCOTT E

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

3713

DATE MAILED: 11/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/656,663	KAMINKOW ET AL
	Examiner	Art Unit
	Scott E. Jones	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 6, 9, 12, 15, 20, 23-24, 26-27, and 29-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. In Claim 2, lines 1-2, the language, "...the numeric proximity includes a set of non-target values..." is unclear. Is applicant referring to a particular range?

4. In Claim 6, lines 1-2, the language, "...the numeric proximity includes a set of non-targets..." is unclear. Is applicant referring to a particular range?

5. Claim 9 recites the limitation "the numeric proximity" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 inherits the deficiency of Claim 9 by dependency.

6. Claim 12 recites the limitation "the numeric proximity" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 inherits the deficiency of Claim 12 by dependency.

7. Claim 15 recites the limitation "the number" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 16-18 inherit the deficiency of Claim 15 by dependency.

8. In Claim 20, lines 1-2, the language, "...providing a proximity which includes a set of non-target values..." is unclear. Is applicant referring to a particular range?

Claim 21 inherits the deficiency of Claim 20 by dependency.

9. In Claim 23, lines 1-2, the language, "...providing a proximity which includes a plurality of non-targets..." is unclear. Is applicant referring to a particular range?

10. Claim 24 recites the limitation "the varying proximity" in line 2. There is insufficient antecedent basis for this limitation in the claim.

11. In Claim 26, lines 1-2, the language, "...providing a proximity which includes a set of non-pitfall values..." is unclear. Is applicant referring to a particular range?

12. Claim 27 recites the limitation "the varying proximity" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. In Claim 29, lines 1-2, the language, "...providing a proximity which includes a plurality of non-pitfalls..." is unclear. Is applicant referring to a particular range?

14. Claim 30 recites the limitation "the varying proximity" in line 2. There is insufficient antecedent basis for this limitation in the claim.

15. Applicant should review the entire specification, including the claims, and submit corrections for those items noted hereinabove, and for any other additional informalities.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishibashi.

Ishibashi (U.S. 5,695,188) discloses a gaming machine having a variable display means for variably displaying a plurality of symbols for each of a plurality of symbol columns which are moved and stopped in a direction across at least one winning line, and sound generating means for generating sounds when each of the plurality of symbol columns is moved and stopped, respectively. The sound generating means generates different sounds for each of the symbols positioned on the winning line when each of the plurality of symbol columns is stopped. Alternatively, the sound generating means generates different sounds for each of the symbols passing on the winning line while each of the plurality of symbol columns is moved (Abstract).

Ishibashi additionally discloses:

Regarding Claims 1, 5, 8, 11, 14, 18-19, 22, 25, 28, and 31:

- winning and losing symbols on the reels or displays of a gaming machine (Abstract, Figs. 1-2, and 5-6, and Column 2, line 27-Column 4, line 19). Non-target values, target values; non-targets, targets; pitfall values, non-pitfall values ; pitfalls, non-pitfalls; undesired outcomes, desired outcomes all describe losing and winning symbols, respectively.
- sounds are generated for each symbol, winning or losing (Column 3, lines 15-20, and Column 4, lines 5-15). Additionally, each losing symbol is within a certain numeric proximity from the winning symbol depending on where it is located on the physical reel or look-up table;
- means for providing the sound effect (Abstract);
- means for generating winning and losing symbols (Abstract, Figs. 1-2, and 5-6, and Column 2, line 27-Column 4, line 19);

- when the reels are spun and a losing value is generated, the losing values is associated with a sound effect, and that sound effect is generated;
- a display to show winning and losing values (Abstract, Figs. 1-2, and 5-6, and Column 2, line 27-Column 4, line 19).

Regarding Claims 2, 6, 9, 12, 15, 20, 23, 26, and 29:

- typically, symbols are spaced around a physical reel or are placed in a look-up table such that each losing value is closer than at least one other losing value to the winning value.

Regarding Claims 3, 7, 10, 13, 16-17, 21, 24, 27, 30, and 32-33:

- a different sound effect is associated with each different losing value (Abstract, Figs. 1-2, and 5-6, and Column 2, line 27-Column 4, line 19).

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li JP-11197292-A, Okuniewicz '354, and Kimura '150 disclose sound features for gaming machines that generate sound for a particular symbol or combination of symbols on the reels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-1118. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 305-

3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1118.

Scott E. Jones  
Examiner  
Art Unit 3713

SEJ

sej

November 8, 2001



MICHAEL O'NEILL  
PRIMARY EXAMINER